



City Of Albuquerque

APPLICATION FOR SPECIAL EXCEPTION

Office of the Zoning Hearing Examiner
505.768.4503

APPLICATION INFORMATION-PLEASE PRINT

CONTACT DATA: PROFESSIONAL / AGENT NAME (FIRST, LAST) PAUL D. SANTILLANES (ALCON LLC) (H) 505-504-1572

MAILING ADDRESS P.O. BOX 6504 (W) " " "

CITY ALBUQUERQUE STATE NM ZIP CODE 87197 (C) " " "

Email: PDS008@GMAIL.COM (H) " " "

APPLICANT DATA: OWNER NAME (FIRST, LAST-IF ANY) PHILLIP PAVUZZO (W) " " "

MAILING ADDRESS 1206 COAL SE (C) 505-480-3034
CITY ALBUQUERQUE STATE NM ZIP CODE 87106

Email: PRPPRIMO@AOL.COM

LEGAL DESCRIPTION OF PROPOSED SPECIAL EXCEPTION-PLEASE PRINT

STREET ADDRESS OF SPECIAL EXCEPTION 1206 COAL ALBUQUERQUE, NM ZIP CODE 87106

LOT(S) "D" OF REPLAT OF LOTS 4, 5 & 6 TRACT(S) 33 BLOCK(S) 33

SUBDIVISION / ADDITION / MRGCD MAP NO. TEERRACE ADDN

UNIFORM PROPERTY CODE 101505 716 817 730 911

CRITERIA FOR DECISION-

I have been given the Criteria for Decision requirements.

Initial Here

EXPLANATION OF REQUEST-

On additional sheet(s) of paper, please state why you want this Special Exception, based on the Criteria for Decision Requirements.

DRAWINGS OF REQUEST-

ATTACH THREE (3) COPIES. Please follow instructions on the back of this form and attach the appropriate drawings.

ACKNOWLEDGEMENT-

I hereby acknowledge that, to the best of my knowledge, this application is correct and complete and that I have received one or more signs that I have agreed to post and maintain as provided and where instructed. I understand that failure to properly post sign(s) is grounds for deferral of my case

SIGNATURE

DATE

-----ZONING ENFORCEMENT OFFICE INTERNAL USE ONLY-----

Category Code **900**

Permit Number: 20120 80258

PROJECT #: 1009399

APPLICATION #: 12 ZHE 80258

APPLICATION FOR: (CHECK AS APPROPRIATE)

- ☐ (ZHE01) Conditional Use
☐ (ZHE02) Expansion of a NonConforming Use
☐ (ZHE03) NonConforming Use / Status Established Building

☒ (ZHE04) Variance:

- ☐ Distance ☒ Setback
☐ Height ☐ Parking
☐ Size ☐ Other

SECTION NO. pg. 74.75 UNIVERSITY REFERENCE SECTION NO. 14-16 2-9(E)(1)

(LEGAL AD) ACTION DESCRIPTION A VARIANCE REQUEST OF 15' TO THE REQUIRED 15' FRONT SETBACK FOR A PROPOSED

SECTOR DEVELOPMENT AREA: UNIVERSITY NEIGHBORHOODS (DUBOCCO)

ZONED: SO-G MD-2 ZONE MAP PAGE: K-15 NO. OF SIGNS ISSUED: 1

1206 COAL AV SE

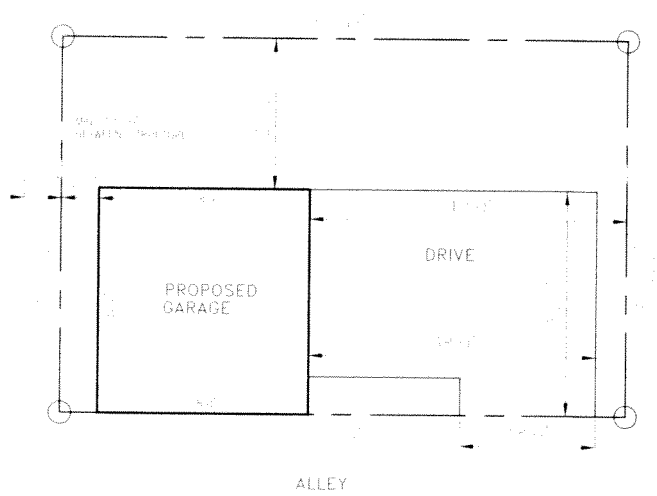
POST SIGN(S) / STREET ADDRESS OF PROPOSED SPECIAL EXCEPTION

09-18-12
DATE OF PUBLIC HEARING

VINCENT A MONTANO
APPLICATION RECEIVED BY Z.E.O. (PRINT FULL NAME)

3-13-2012
DATE

(APN) 441018/4926000 \$35.00
(CMP) 441032/3416000 \$10.00
(ZHE) 441006/3916000 \$100.00
FEE: \$145.00



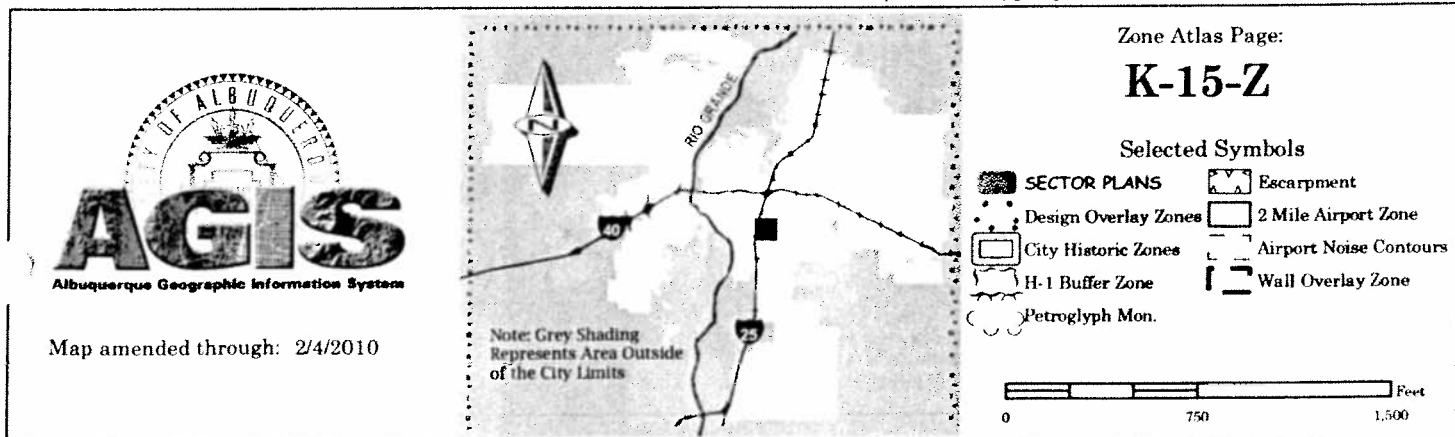
SCALE 1"=20'

PLOT PLAN

TERRACE ADDITION SUBDIVISION
1206 COAL AVE. S.E.
BIRMINGHAM, ALA.



For more current information and more details visit: <http://www.cabq.gov/gis>



P.O. Box 6504
Albuquerque, NM 87184
(505) 897-3133 (O)
(505) 804-1592 (D)
(505) 899-5921 (F)
License # 355914
GB98, MM98

Special Exception Zoning Variance Request

Subject Property:

1206 Coal SE
Albuquerque, NM 87106

Zoning Examiner,

On behalf of Phillip Panuzzo, owner of the subject property, we are requesting a Zoning Variance based upon the following:

Part A:

Exceptionality based upon section 3.

The subject property is exceptional in that it is unusual in size, location and orientation as granted by a previous recorded replat. The property measures 75' in width and only 50' in depth. The property was formed by a replat of the rear sections of properties that face Coal Avenue. The rears of the original properties, originally, abutted the alley that now forms the southern edge of the subject property. The property is addressed off of Coal but maintains no direct access to Coal. The sole access to the property is from the alley. Properties to the east and west allow for no easement and have existing structures / walls in place. This property is the only property in the alley corridor, on either side, that suffers from these particular conditions. (See Image #1)

Part B:

Hardship based upon section 1.

From a Zoning standpoint, the property as it exists does not have a "front" side with which to start the Zoning analysis and setback measurements. Also, the depth, width, orientation of existing structures and walls along with setbacks, regardless of "front" orientation, restrict the building size to less than meaningful. (See scale size of auto in Image # 2) The address is creating difficulties with AFD (Albuquerque Fire Department) from an emergency response standpoint. The ABCWUA (Albuquerque Bernalillo County Water Authority) and Gas Company of New Mexico each have requirements constraints regarding meter and utility locations that are exacerbated by the, alley only, access orientation of this property.

Part C:

Variance Solution based upon sections 2 and 3.

We are currently working with the City of Albuquerque Surveyor to have the alley named as a street and then grant the property a new address. This would make the alley side the new front of the property. The variance that we are requesting would be to allow a structure to be built on the new front lot line in the same fashion as the property to the west. (See Photo #2 and attached site plans) All other setback requirements would be met and the size and orientation of the structure would allow for meaningful use without interfering with other properties / uses, in the vicinity.

Respectfully Submitted,

Paul D. Santillanes
Project Manager
Alcon LLC

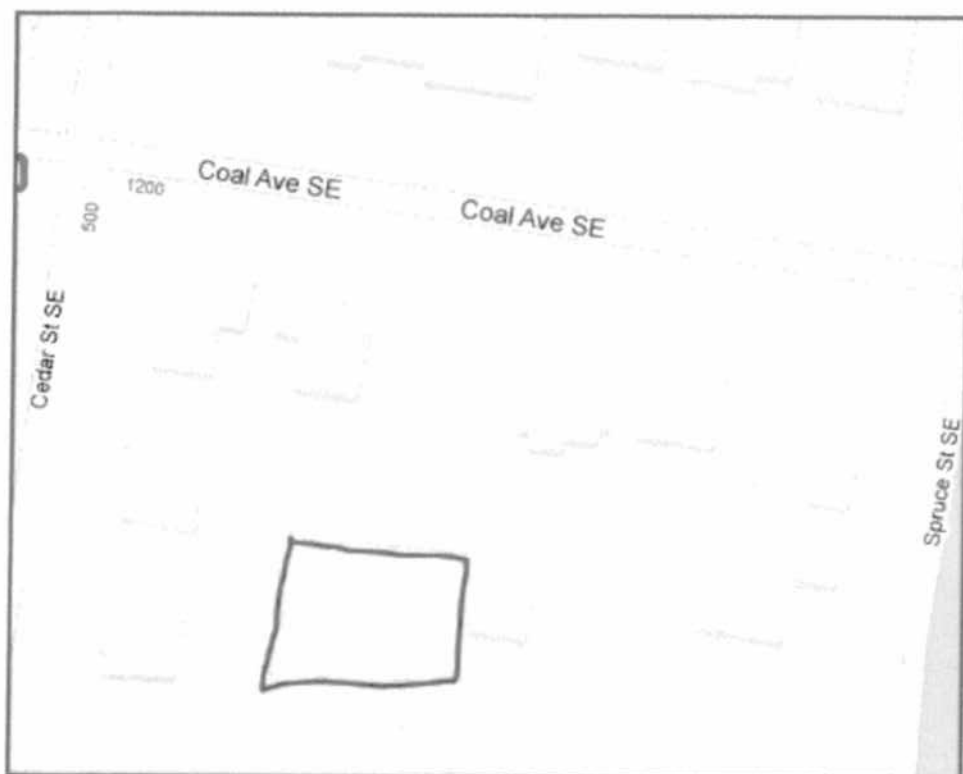
Image #1

Image #2



ZONE GRID

No Features found.

OWNERSHIP

Rec	UPC CODE	OWNER	OWNER ADDRESS	OWNER CITY	OWNER STATE	OWNER ZIPCODE	PRO C
1	101505716817730911	GALLEGOS ROBERT M	PO BOX 3042	ALBUQUERQUE	NM	87190	V

ZONING

Rec	ZONING	DESCRIPTION
1	SU-2	MD-2

ZONE GRID

Rec	ZONE ATLAS GRID
1	K15

PARCELS

Rec	NUMBER	NAME	DESIGNATION	QUADRANT	LOT	BLOCK	SUBDIVISION	PIN
1	1206	COAL	AV	SE	D	33	TERRACE ADDN	ABQ150457

ZONE GRID

No Features found.

ZONE GRID

No Features found.

NEIGHBORHOODS

Rec	COASDE.AGIS.NEIGHBORHOODASSOCIATIONS.ASSOCIATIONNAME	COASDE.AGIS.NEIGHBORHC
1	SILVER HILL	R
2	SYCAMORE	R

SECTOR PLANS

Rec	SECTOR PLAN NAME
1	UNIVERSITY NEIGHBORHOODS

COUNCIL

Rec	COUNCILOR NAME	COUNCIL DISTRICT
1	Debbie O'Malley	2

ZIPCODES

Rec	ZIPCODE
1	87106

MORATORIUM

Rec	AREA	EXPIRATION DATE
1	DOWNTOWN NEIGHBORHOOD AREA	Wed, 20 Jun 2012 00:00:00
2	WEST ROUTE 66	Wed, 10 Oct 2012 00:00:00
3	WEST ROUTE 66	Wed, 10 Oct 2012 00:00:00
4	WEST ROUTE 66	Wed, 10 Oct 2012 00:00:00
5	WEST ROUTE 66	Wed, 10 Oct 2012 00:00:00
6	WEST ROUTE 66	Wed, 10 Oct 2012 00:00:00
7	WEST ROUTE 66	Wed, 10 Oct 2012 00:00:00
8	WEST ROUTE 66	Wed, 10 Oct 2012 00:00:00
9	WEST ROUTE 66	Wed, 10 Oct 2012 00:00:00
10	WEST ROUTE 66	Wed, 10 Oct 2012 00:00:00

- a. no streets are vacated to achieve to 20,000 square feet: and
- b. a site development plan and landscaping plan are approved by the City prior to the issuance of a building permit. A plan shall be approved only if found to conform to the University Neighborhoods Sector Development Plan and the Sycamore Metropolitan Redevelopment Plan.

- 1) Parking should be screened from streets and residential development by a structure or a solid wall/fence with a five foot landscaping strip of live ground cover and shade trees. The wall/fence shall be at least four feet in height on those sides of a parking area which abut a public right-of-way on the opposite side of which is a residential zone.

- 2) Intense landscaping should be provided where R-3 uses abut non R-3 uses. Eye-level screening should be provided in addition to live ground cover and shade trees.

The MD-2 MIXED DENSITY land use category corresponds to the MD-1 category except in the MD-2 category, which is mapped south of Central Avenue, residential density shall not exceed 20 dwelling units per net acres.

The MC MIXED COMMERCIAL land use category corresponds to the C-2 Community Commercial Zone in the Comprehensive City Zoning Code, including any subsequent amendment, and is subject to the same regulations as that zone with the following exceptions:

1. All outdoor storage and activities listed as permissive uses in the C-2 Zone under Section 22.A.10 are conditional uses.
2. Existing outdoor storage shall be treated as an approved conditional use.
3. Adult amusement establishments, adult book stores, adult photo studios, and adult theaters are not allowed.
4. Alcoholic drink under a restaurant license for sale of beer and wine, as provided by Section 604A-4 NMSA 1978 is permissive. The use of full service liquor license shall be allowed only as a conditional use, and a conditional use shall be granted only if the sale of alcoholic drink will be in conjunction with a restaurant; any conditional use granted shall include conditions which assure that the sale of alcoholic drink is subsidiary to the sale of food.
5. Signs are regulated as in the C-1 zone.
6. For new construction on premises of 10,000 square feet or more and which is contiguous or across the street from an area zoned MD Mixed Density, a site development and landscaping plan must be approved by the City prior to issuance of a building permit, except that plans for rehabilitation of an existing building or for additions which expand an existing building by less than 25% shall be reviewed by the

4. Additional restrictions are those in Section 40 of the Comprehensive City Zoning Code, and stairwells, second story ramps and open corridors or walkways that provide primary access do not count as public open space areas and at least 50% of open space shall be at ground level with a five foot minimum dimension.
5. For areas within the Central Avenue Design Enhancement Area, the design regulations found on page 21 of this Plan shall apply.

The M-1 LIGHT MANUFACTURING land use corresponds to the M-1 Light Manufacturing Zone in the Comprehensive City Zoning Code and is subject to the same regulations as that zone with the following exceptions:

1. The following uses are not allowed:
 - Automobile dismantling
 - Concrete or cement products manufacturing, batching plant, processing of stone
 - Gravel, sand or dirt removal, stockpiling, processing or distribution
 - Truck terminal, tractor, trailer, or truck storage, including maintenance facilities.

The O-1 OFFICE land use corresponds to the O-1 Office and Institution Zone in the Comprehensive City Zoning code and is subject to the same regulations as that zone.

The C-1 NEIGHBORHOOD COMMERCIAL land use corresponds to the C-1 Neighborhood Commercial Zone in the comprehensive City Zoning Code and is subject to the same regulations as that zone.

The C-2 COMMUNITY COMMERCIAL land use corresponds to the C-2 Community Commercial Zone in the Comprehensive City Zoning code and is subject to the same regulations as that zone.

The SU-1 SPECIAL USE land use corresponds to the SU1 Special Use Zone in the Comprehensive City Zoning Code and is subject to the same regulations as that zone.

The PR PARKING RESERVE land use corresponds to the P-R Reserve Parking Zone in the Comprehensive City Zoning Code and is subject to the same regulations as that zone.

The MD-1 MIXED DENSITY land use category corresponds to the R-T Residential Zone in the Comprehensive City Zoning Code, including any subsequent amendments, and is subject to the same regulations as that zone with the following exception:

1. For premises of 20,000 square feet or more, or any premises that are a complete block new development which does not meet the requirements of the R-T-zone but does meet the requirements of the R-3 zone (not including the lot size requirement) in the Comprehensive City Zoning Code may be allowed if:

§ 14-16-2-9 R-T RESIDENTIAL ZONE.

This zone provides suitable sites for houses, townhouses, and uses incidental thereto in the Established and Central Urban areas.

(A) Permissive Uses.

- (1) Uses permissive in the R-1 zone, except:
 - (a) Agricultural animal keeping (see § 14-16-2-6(A)(2)(b)) is not permitted;
 - (b) Front yard parking of recreational vehicles (§ 14-16-2-6(A)(2)(h)3.) is not permitted;
 - (c) Hobby breeders (see § 14-16-2-6(A)(2)(k)) are not permitted; and
 - (d) Houses are not limited to one per lot.
- (2) Townhouses.

(B) Conditional Uses. Uses conditional in the R-1 zone.**(C) Height.** Structures shall not exceed 26 feet in height, except as provided in § 14-16-3-3 of this Zoning Code.**(D) Lot Size.**

- (1) For a townhouse, except as provided in division (2) below, minimum lot area shall be 2,200 square feet per dwelling unit; minimum lot width shall be 22 feet per dwelling unit.
- (2) For a townhouse in a Family Housing Development or for a townhouse with vehicle access only to the rear yard from an alley, minimum lot area shall be 1,760 square feet; minimum lot width shall be 18 feet.
- (3) For a house, except as provided in division (4) below, minimum lot area shall be 3,600 square feet per dwelling unit; minimum lot width shall be 36 feet.
- (4) For a house in a Family Housing Development or for a house with vehicle access only to the rear yard from an alley or for a lot with a detached garage located in the rear yard and accessed by a driveway with a maximum width of 12 feet in the front yard and in the side yard abutting the side of the dwelling, minimum lot area shall be 2,880 square feet; minimum lot width shall be 29 feet.

(E) Setback.

- (1) There shall be a front-yard setback of not less than 15 feet except driveways shall be not less than 20 feet long.
- (2) For lots created after January 1, 2005 and for lots granted conditional use approval, if one of the following conditions is met, then there shall be a front yard setback of not less than 10 feet:
 - (a) Vehicle access is only to the rear yard from an alley, or